IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1140 OF 2007

Shri Kailash Shrivastav. ..Petitioner.

Versus

The State of Maharashtra
and 10 Ors. ..Respondents.

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Mr.R.K.Singh, Adv. for the Petitioner.

Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR, &
SMT.V.K.TAHILRAMANI, JJ.

DATED : 18TH JULY, 2007.

ORAL ORDER (PER SMT.V.K.TAHILRAMANI, J.) :

1. Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner is the injured witness in the case pertaining to FIR No.I-39 of 2007 of Ulhasnagar Police Station. It is the case of the petitioner that in view of the injuries, the case ought to have been registered under Section 307 of IPC, however the same was not done.

3. The learned APP has stated that the case has been registered and the charge-sheet has also been filed mainly under Section 326 of IPC. We have seen the injury certificates as well as the photograph of the injuries and we are of the *prima facie* opinion that this case requires further investigation to find out whether the offence would fall under Section 307 of IPC. The senior PI of Ulhasnagar Police Station to personally investigate or at least oversee the further investigation in the matter and thereafter take appropriate steps according to law.

4. Writ Petition is disposed of with the above directions.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]